

Report of Head of Scrutiny and Member Development

Report to Executive Board

Date: 7th March 2012

Subject: A Request from Scrutiny Board (Regeneration) for a Late Submission to Defra on its Consultation to Reform the Process of Registration of Land as Town and Village Greens and to Introduce Local Green Space Developments

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. Scrutiny Board (Regeneration) on 29th November 2011 asked Executive Board to submit a late response to the Department for Environment, Food and Rural Affairs (Defra) consultation on proposals to reform the process of registration of land as Town and Village Greens and to introduce Local Green Space Developments based on the submission made by the Open Space Society.
2. Scrutiny Board on 31st October had previously asked the Chief Executive to make this late submission but this had been rejected on the advice of the Director of City Development, in consultation with the Executive Member for Development and the Economy and Legal Services in that a number of proposed changes set out in the Defra consultation document which the Open Space Society are opposing, but which officers would recommend, are supported by the Council.

Recommendations

3. That Executive Board consider making a late submission to Defra on proposals to reform the process of registration of land as Town and Village Greens and to introduce

Local Green Space Developments based on the submission made by the Open Space Society.

1 Purpose of this report

- 1.1 To ask the Executive Board to make a late submission to Defra following its consultation on proposals to reform the process of registration of land as Town and Village Greens and to introduce Local Green Space Developments based on the submission made by the Open Space Society.
- 1.2 To advise the Executive Board that the Chief Executive had been requested to make this submission but this had been rejected on the advice of the Director of City Development that a number of proposed changes set out in the Defra consultation document which the Open Space Society are opposing, but which officers would recommend are supported by the Council.

2 Background information

- 2.1 The Scrutiny Board (Regeneration) on 31st October considered a report from the City Solicitor (appendix 1) on proposals by Defra to reform the process for the registration of land as town and village greens and introduce local green space developments.
- 2.2 The Board took the view that the City Solicitor's response to the Defra consultation was inadequate and lacked any analytical quality in relation to the protection of green space. The Board was advised that it was likely other submissions had also been made by the Council and that Defra was still accepting late submissions to its consultation.
- 2.3 A copy of the Open Space Society submission was provided to all Members of the Board and is attached as appendix 2.
- 2.4 The Chief Executive was asked to make a late submission on behalf of the Board to Defra based on the Open Space Society submission which more accurately reflect the views of the Scrutiny Board.
- 2.5 The Scrutiny Board was subsequently advised by the Chief Executive that having taken advice from the Director of City Development (which was considered in consultation with the Executive Member for Development and the Economy and Legal Services) on the Scrutiny Board's proposal had determined that the Council could not support a submission to Defra based on that of the Open Space Society. This was because a number of proposed changes set out in the Defra consultation document which the Open Space Society are opposing, but which officers would recommend, are supported by the Council.
- 2.6 A copy of the legal advice received by the Director of City Development sets out the reasons why the Council cannot support a late submission to Defra based on the Open Space Society submission are set out in appendix 3.

3 Main issues

- 3.1 Scrutiny Board (Regeneration) at its meeting on 29th November 2011 was advised of the outcome of its request to make a late submission to Defra based on that submitted by the Open Space Society.
- 3.2 Scrutiny Board agreed that the original response submitted by officers was inadequate, ineffective and unreasonable. It lacked any analytical quality in relation to the protection of green space. The Scrutiny Board agreed to continue to seek the support of the Executive Board to a late submission to Defra based on that submitted by the Open Space Society regardless of the views expressed by officers.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 There are no specific consultation or engagement issues in the context of this report.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no specific issues in the context of this report.

4.3 Council policies and City Priorities

- 4.3.1 There could be implications for the Draft National Planning Policy Framework and Local Development Framework if the recommendation proceeds.

4.4 Resources and value for money

- 4.4.1 There are no specific issues which have been identified

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There may be legal implications if the recommendation proceeds.

4.6 Risk Management

- 4.6.1 It would be appropriate to consider further if the recommendation proceeds.

5 Conclusions

- 5.1 The Scrutiny Board continues to seek the support of the Executive Board to a late submission to Defra based on that of the Open Space Society submission regardless of the views expressed by officers.

6 Recommendations

- 6.1 The Executive Board is asked to consider making a late submission to Defra's consultation on proposals to reform the process of registration of land as Town and Village Greens and to introduce Local Green Space Developments based on the submission made by the Open Space Society.

7 Background documents¹

7.1 There are no background papers

¹ The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.